

The opinion in support of the decision being entered today was not written for publication and is not binding precedent of the Board.

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES

Ex parte JEREMY ALAN ARNOLD  
and  
JOHN MATTHEW SANTOSUOSSO

Application No. 09/998,511

ORDER RETURNING UNDOCKETED APPEAL TO EXAMINER

MAILED

JUL 26 2006

U.S. PATENT AND TRADEMARK OFFICE  
BOARD OF PATENT APPEALS  
AND INTERFERENCES

This application was received electronically at the Board of Patent Appeals and Interferences on June 7, 2006. A review of the application has revealed that the application is not ready for docketing as an appeal. Accordingly, the application is herewith being returned to the examiner. The matters requiring attention prior to docketing are identified below:

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A review of the application indicates that the following headings are missing from the Appeal Brief of October 3, 2005:

1) "Evidence appendix", as set forth in 37 CFR § 41.37(c)(1)(ix); and

2) "Related proceedings appendix", as set forth in 37 CFR § 41.37(c)(1)(x).

A substitute brief that is in compliance with 37 CFR § 41.37(c) is required.

Secondly, two Information Disclosure Statements (IDSs) were filed on August 26, 2004 and September 30, 2005. It is not apparent from the record that the examiner has considered the statements submitted nor notified applicants of why the submission did not meet the criteria set forth in 37 CFR § 1.197 and § 1.98.

Accordingly it is

**ORDERED** that the application is returned to the Examiner to:

- 1) hold the Appeal Brief of October 3, 2005 defective;
- 2) for applicants to file a substitute Appeal Brief in compliance with 37 CFR § 41.37;
- 3) for the examiner to consider the substitute Appeal Brief, and, if necessary, vacate the Examiner's Answer mailed January 13, 2006 and issue a new Examiner's Answer;

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(4) to consider the two IDSs filed August 26, 2004 and September 30, 2005; and

4) for such further action as may be appropriate.

BOARD OF PATENT APPEALS  
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